

Indiana State Department of Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 012395	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING: _____		(X3) DATE SURVEY COMPLETED C 05/28/2013
NAME OF PROVIDER OR SUPPLIER LOVING CARE AGENCY INC			STREET ADDRESS, CITY, STATE, ZIP CODE 220 INSURANCE DR STE C FORT WAYNE, IN 46825		
(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETE DATE	
N 000	<p>Initial Comments</p> <p>This was a state home health complaint investigation.</p> <p>Complaint #: IN00128962 - Substantiated: State deficiencies related to the allegations are cited.</p> <p>Facility #: 012395</p> <p>Medicaid Vendor #: 201005960</p> <p>Survey Dates: May 22-28, 2013</p> <p>Clinical Records Reviewed: 5 Closed Records: 1 Active Records: 4</p> <p>Surveyor: Miriam Bennett, RN, BSN, PHNS</p> <p>Quality Review: Joyce Elder, MSN, BSN, RN June 5, 2013</p>	N 000			
N 522	<p>410 IAC 17-13-1(a) Patient Care</p> <p>Rule 13 Sec. 1(a) Medical care shall follow a written medical plan of care established and periodically reviewed by the physician, dentist, chiropractor, optometrist or podiatrist, as follows:</p> <p>This RULE is not met as evidenced by: Based on clinical record review, interview, and policy review the agency failed to ensure the physician ordered frequency and hours of Skilled Nurse (SN) visits were met for 5 of 5 clinical records reviewed with the potential to affect all the agency's patients. (1, 2, 3, 4, and 5)</p> <p>Findings include</p>	N 522		6/19/13	

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TITLE

(X6) DATE

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

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N 522	<p>Continued From page 1</p> <p>1. Clinical record #1, start of care (SOC) 7/9/12, contained a Plan of Care (POC) for the certification period 4/22-6/20/13 with orders for Skilled Nursing (SN) 5-8 hours per day, 4-6 days a week. On 5/10/13 a total of 10 hours SN care were provided, 2 hours over the ordered frequency for the day. The record failed to evidence any change orders for frequency were obtained.</p> <p>On 5/28/13 at 1:15 PM, employee C indicated what most likely happened was one of the parents was coming home late from work, so the nurse stayed until they got home.</p> <p>2. Clinical record #2, SOC 5/15/12, contained a POC for the certification period 3/11-5/9/13 with orders for SN 18-20 hours a day, 4-6 days a week. The record failed to evidence a total of 18 hours were provided on March 15, 17, 22, 24, 29, and 31; April 5, 7, 12, 14, 19, 21, 26, and 28; and May 3 with variations of 8-12 hours of care provided. A Missed Shift Report was completed on 5/3/13 for 2 hours missed due to parent canceled. The record failed to evidence any change orders for frequency were obtained.</p> <p>On 5/28/13 at 2:15 PM, employee C indicated Monday through Thursday is the 4 days a week the agency regularly fills so the agency is covered, but the parents don't need agency staff over 8 hours on Sundays.</p> <p>3. Clinical record #3, SOC 3/31/11, contained a POC for the certification period 3/9-5/7/13 with orders for SN 18-20 hours a day 4-5 days a week, with 60 hours per month respite at parent request. Physician orders for G-tube feedings state, "PediSure with Fiber: 4 times daily</p>	N 522			

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N 522	<p>Continued From page 2</p> <p>administer 160 mls (milliliters) via pump to run over 1 hour. Flush with 30-60 mls of water. ... Free water 360 ml total daily. 30 ml flush after each med."</p> <p>A. The record failed to evidence a total of 18 hours were provided on May 3 and 7. Missed Shift Reports were completed for 5/3/13 for 8 hours missed and 5/7 for 5 hours missed. Both stated due to "no nursing avail [available]." The record evidenced SN was also provided 8 hours a day every Saturday and 5-7 hours on all but two Sundays for the certification period. These hours total over the 60 hours of respite care for the certification period. Other Missed Shift Reports were completed for April 28, a Sunday, with reason noted as "Parent canceled, does not want nursing 12 p-6 p, offered to find alternate nurse for entire shift, [parent] declined."</p> <p>B. A Do Not Return Form was completed on 4/29/13 stating "[parent] states [employee J] is not a nurse for [patient]. [nurse] did not flush tubing after feeds. [parent] concerned about clinical skills." Discussion area states "Discussion regarding orders for SN. [nurse] directed to clarify orders with MD."</p> <p>C. Several Communication notes were observed in the clinical record documenting attempts to notify complainant regarding schedule changes. Many state "voicemail full;" some state "no answer." These notes are dated April 24, 25, and 26 and May 6, 16, 17, and 23.</p> <p>D. On 5/22/13 at 3:05 PM, employee D, the scheduler, indicated they attempt to notify parents as soon as possible if a nurse is not available and attempt to fill open shifts right up to the last day. At 3:10 PM, employee D continued indicating the</p>	N 522			

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N 522	<p>Continued From page 3</p> <p>computer will block a nurse from an assignment once the agency has received a DNR form or notification from the parents, so the nurse does not come up as an option to call for coverage.</p> <p>4. Clinical record #4, SOC 9/25/12, contained a POC for the certification period 1/23-3/23/13 with orders for SN 14-18 hours a day 5-7 days a week. The patient was hospitalized 1/23 through 2/7 and 2/15 through 2/23/13. New orders were received on 2/6/13 for SN 6-9 hours a day 3-5 days a week. On 2/8/13 only 5 hours were provided, and a Missed Shift Report stated, "Sent nurse home early due to mom being home from work early." Other missed visits were noted for February 12, 14, and 27 due to "no nursing available." On 2/28, 5.75 hours were provided then parent sent nurse home. On 3/1/13 parent canceled due to "nurse running late." The 3/4 missed shift report states, "early dismissal." 3/5 missed shift states, "no nursing available." Orders were received on 3/6/13 to change hours to 8-10 hours a day 3-5 days a week. Other missed visit shift reports stating "no nursing available" for March 6, 13, 14, and 18.</p> <p>5. Clinical record #5, SOC 2/12/13, contained a POC for the certification period 2/12-4/12/13 with orders for SN 11-13 hours a day 4-6 days a week. The record failed to evidence a total of 11 hours of care were provided for 2/12-2/20/13. Missed Shift Report dated 2/13/13 stated reason as "no nursing avail." Missed Shift Report for 2/12, 15, and 16 stated, "Parents dismissed nurse early" and 2/14 was canceled by parents. New orders were obtained to change hours on 2/21/13 for 6-8 hours a day 5-7 days a week. The 2/23 and 2/28, 3/6, 3/7, and 3/9 dates were canceled by parents. Missed Shift Reports due to "nurse absence" were noted for 2/27, 3/6, 3/8, and 3/13.</p>	N 522			

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N 522	<p>Continued From page 4</p> <p>On 5/22/13 at 2:55 PM, employee A indicated the parent of this patient was not comfortable having the nurses at the house while they were home, so the parent frequently sent the nurses home early and took over care. Employee A also indicated the agency does not notify the physician of missed visits until the 60 day summary is sent for the following certification period with the recertification paperwork.</p> <p>6. The agency's policy titled "Physicians Orders," #3-10, revised 10/2009 states, "5. The physician will be notified of any need to change the orders for home care services ... Change Orders 1. Change orders will be obtained to modify physician orders or disciplines, services, medications that the agency is responsible to administer, frequency, duration or hours of care or services prior to implementing the change. ... Ranges 3. ... Open or missed shifts outside the frequency ordered by the physician require physician notification. This will be documented in the clinical record."</p> <p>7. The agency's policy titled "Scheduling," #3-2, revised 10/2009 states, "10. Unfilled hours are monitored and reported to the Clinical Manager and Branch Director each week, along with the reason the shift was not staffed and who was notified. Every effort is made to staff all shifts. 11. Missed shifts or hours outside the frequency ordered by the physician are to be reported to the physician. Notification will be documented in the record."</p>	N 522			